



Federal Communications Commission
Washington, D.C. 20554

MAY 3 1996

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The Honorable J. D. Hayworth
U. S. House of Representatives
1023 Longworth House Office Building
Washington, D.C. 20515

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Dear Congressman Hayworth:

Thank you for your letter of April 8, 1996, on behalf of your constituent, Kevin Rogers, regarding the Commission's decision to freeze acceptance of paging applications. Mr. Rogers expresses concern that the suspension of processing of paging applications will adversely affect small businesses that provide paging services.

The Commission is currently conducting a rulemaking proceeding that proposes to transition from licensing paging frequencies on a transmitter-by-transmitter basis to a geographic licensing approach, using auctions to award licenses where there are mutually exclusive applications. In conjunction with that proceeding, the Commission initially froze processing of applications for paging frequencies. On April 23, 1996, the Commission released a First Report and Order in WT Docket 96-18 and PP Docket 93-253, which adopted interim measures governing the licensing of paging systems and partially lifted the interim freeze for incumbent paging licensees. For your convenience and information, enclosed is a copy of the Press Release concerning the First Report and Order, which includes a summary of the principal decisions made. Specifically, small and medium sized incumbent paging companies will be permitted to expand their service areas if the proposed new site is within 65 kilometers (40 miles) of an authorized and operating site. These interim rules will remain in effect until the Commission adopts final rules in the paging proceeding.

Thank you for your inquiry.

Sincerely,

David L. Furth
Chief, Commercial Wireless Division
Wireless Telecommunications Bureau

Enclosure

J. D. HAYWORTH
6TH DISTRICT, ARIZONA

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April 8, 1996

Mr. Reed E. Hundt
Federal Communications Commission
Office of Congressional and Public Affairs
1919 M Street NW
Washington, DC 20554

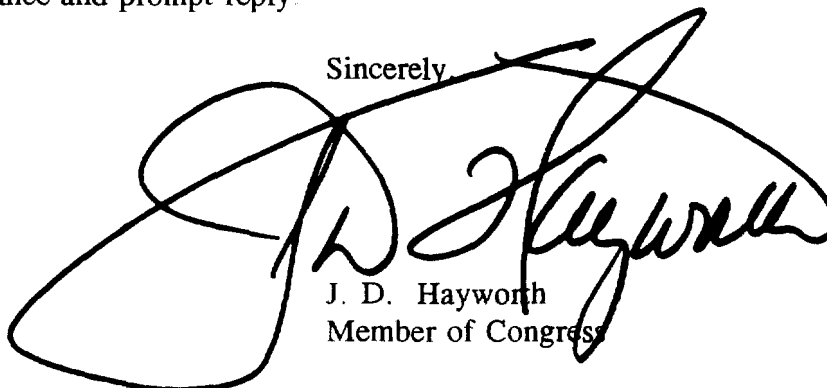
Dear Mr.:

Please review the enclosed case of my constituent Mr. Kevin Rogers.

I would appreciate your comments on this case. Please send a written reply to my staff member Cameron Sellers at my Washington, DC Office, 1023 Longworth Building, Washington, DC 20515. If you have any further questions pertaining to this case, please contact my staff member Cameron Sellers at (202) 225-2190.

Thank you for your assistance and prompt reply.

Sincerely,



J. D. Hayworth
Member of Congress

JDH:css

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FLAGSTAFF COMMUNICATIONS

**2320 East 5th Avenue
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March 5, 1996

President Bill Clinton White House Washington, D.C. 20510	Chairman Reed Hundt FCC Washington, D.C. 20510	Sen. John McCain Rm. 111, Russell Bldg. Washington, D.C. 20510
Sen. Jon Kyl U.S. Senate Washington, D.C. 20510	Rep. J. D. Hayworth 1023 Longworth Bldg. Washington, D.C. 20510	Rep. Bob Stump Rm. 211, Cannon Bldg. Washington, D.C. 20510

Re: FCC Freeze on Licensing of Paging Transmitters

Gentlemen:

On February 8, 1996 the FCC announced a freeze on applications for the establishment of transmission sites for paging systems. This freeze came at a time when our company was processing an application for submittal to the FCC for the expansion of an existing paging system in Northern Arizona (Call sign WPGI608; frequency 152.480). This application was in the hands of the Personal Communications Industry Association for processing when the freeze was announced with immediate implementation and no warning to existing license holders. The freeze indefinitely postpones our company's plans to expand its existing paging system in Northern Arizona for which the company has already expended in excess of \$25,000 for equipment that now stands idle.

Our frozen application was for the expansion of our system to include three additional transmission sites near the Grand Canyon, Bill Williams Mountain, and Kayenta. These sites would service areas in which a significant demand for paging services exists, including a need for service in and around the Peabody Coal operations on the Navajo Indian Reservation.

The freeze as implemented is unnecessary and appears to be in conflict with carrier obligations to provide service on demand. The paging freeze will undoubtedly have a devastating impact on our business and those of others. The far reaching impacts include dramatic effects on employment and our ability to continue to provide quality service to the public, and these impacts will have a serious negative effect on local, state and U.S. economies.


The paging freeze disrupts our plans and those of other paging service providers to fill in coverage gaps and extend service areas for existing customers at a time when there appears no justification for implementing or continuing the freeze. This is particularly so as it applies to those licensees in the UHF and VHF

frequency bands and seems even more acutely unjustified as it applies to our frequency, 152.480, which is a shared frequency and falls under FCC Rule 90.75. As a shared frequency, 152.480 should not be contemplated by the freeze on paging applications and the freeze should be lifted to this extent, therefore allowing our application to be processed.

You are being called upon to examine the efficacy of the freeze as it relates to our company and its pending application and to those small paging service providers similarly situated and to direct or provide for the direction that the freeze be lifted as it applies to our application and frequency. This will permit our company to go forward with its expansion plans and to utilize expensive equipment that remains stored and unused. We are a small operator whose plans and application for expansion will have no effect on the FCC's attempts to streamline rules for large operators.

Your assistance in the foregoing described manner is humbly requested and will be greatly appreciated by our company and the customers and potential customers we seek to serve. We look forward to your anticipated response.

Very truly yours,


Kevin Rogers,
President

cc: Commercial Wireless Division
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